

Lesson: The Colorado Jury System

Objective: Provide students with a basic understanding of the jury selection process in Colorado, and the rights and responsibilities of individuals who are summoned to jury duty. (*Colorado Model Content Standards: Civics, Standard 1.4, 2.3, and 4, grades 9-12*)

Activities: Teacher lecture (background materials and lecture outline provided); class participation activity; homework assignment and master for overhead transparency “Anatomy of a Colorado Jury Trial.”

Outcomes: Make students aware of the essential role the jury plays in the American system of justice and the circumstances under which they could be called to be part of that system.

Grade Level: Grades 9-12

Anticipated classroom time: 45-60 minutes

Message from former Colorado Supreme Court Justice Rebecca Love Kourlis, past Chair, Colorado Supreme Court Jury Reform Committee:

The jury system is a cornerstone of justice in the United States. As a people, we believe that trial by jury serves two purposes. First, it allows individuals accused of a crime, or in some instances, of civil violations such as breaking a contract, or causing injury to someone else, the benefit of being tried by a jury of citizens. Those jurors bring their common sense, life experience and ability to judge character and credibility with them into the courtroom and the whole system benefits. Second, jury service involves members of the community in the court system and allows them to see, understand, appreciate and critique that system. Jurors are front-row spectators on justice, and are uniquely situated to offer suggestions for change and to prevent the system from becoming inbred and isolated from the public.

Jury service is a civic responsibility. It is an obligation we all undertake as a part of the cost of justice. Although many people cringe at the receipt of a jury summons because it interferes with their daily life, after service, those same people report that they both gave and received benefit. They learn about the system and witness it in action; and they perform an invaluable service to the parties in a case.

Teacher background information:

The Colorado Jury System

<http://www.courts.state.co.us/userfiles/File/Media/Brochures/jurysystem.pdf> from “Answers to Your Questions About Your Colorado Jury System” and “Colorado Juror News” published by the Colorado Judicial Branch

Introduction

About 95 percent of all jury trials in the world take place in the United States. The jury system is a very important part of the court process in Colorado. The opportunity to serve on a jury allows citizens to become better informed about the courts and the law. Citizens who serve as jurors usually feel a sense of pride and respect for the U.S. system of justice.

Jurors are selected at random from a computerized list taken from voter registration, driver’s license, non-driver identification, and Colorado Department of Revenue records. Juror summonses are then sent to the people selected, informing them when and where they are to appear for jury service.

Since 1990, Colorado law has made jury service more convenient by using a one day/one trial system. This means that, in each calendar year, persons summoned for jury service must serve only one day or, if selected for a trial, for the length of that trial. In addition, the Judicial Branch has been working to further reform the jury system. Changes are being made that are designed to ensure that jurors are treated with appropriate respect and courtesy, to improve the quality of the jury decision-making process, and to increase the overall efficiency of the system. Some of these significant reforms include:

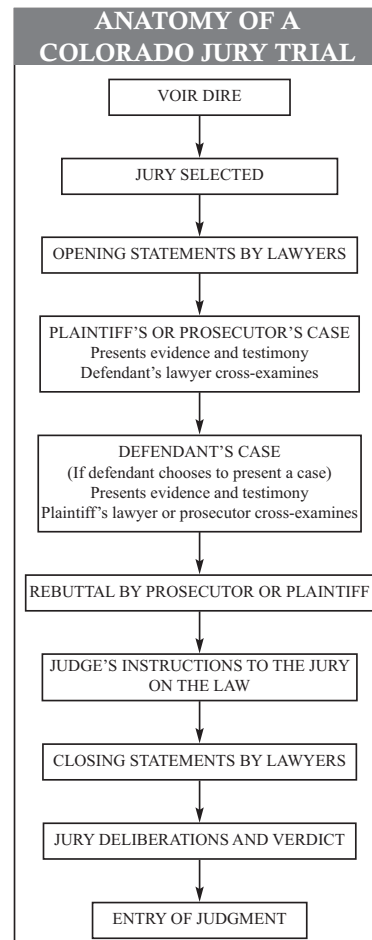
- Respecting the use of the juror’s time by conducting court proceedings in a timely manner and minimizing unnecessary delays;
- Respecting the personal privacy of jurors by limiting public access to individual juror information and sealing juror questionnaire forms;
- Reducing the burden of jury service by using the one-day/one-trial method of jury service;
- Expanding the composition of the jury pool by using additional sources of juror names;
- Permitting juror questions, note-taking/trial notebooks, and pre-deliberation discussions in many cases; and
- Communicating with the jurors in plain English.

The legal information contained here is from §§ 13-71-101 through 13-71-145, Colorado Revised Statutes (C.R.S.).

Frequently Asked Questions

What are the legal qualifications for jury service?

You must be 18 years of age or older; live in the county or municipality that summoned you; be a United States citizen; read, speak, and understand English; not have served for five or more days as a trial or grand juror in any court within the past 12 months; not be solely responsible for the daily care of a permanently disabled person living in your home; and not have a physical or mental disability that would prevent you from serving as a juror.



How was I chosen for jury service?

Each year, the Judicial Branch receives lists of all registered voters and all holders of driver's licenses and non-driver identification cards throughout the state, as well as records from the Colorado Department of Revenue. Throughout the year, each county requests names, based on the number of trials scheduled, which are randomly selected from the list.

Why do I receive summonses year after year, when other people don't?

Since the summons process is random, there is no easy explanation to this question. Each name goes into the system with a different random number attached to it each year. In some counties with small populations, almost every qualified citizen will be called for jury service each year due to the number of jury trials requested. However, to help alleviate this situation, a new system was put into place in 2001 whereby an individual who receives a summons in one year will have a lower priority to be called the next year.

What if I have other commitments for the date I'm supposed to appear?

Call the jury commissioner's number listed on the summons. Jury service can be postponed to a date that is more suitable for you.

What is the "one-day/one-trial" system?

The "one-day/one-trial" system has been in effect since 1990 and describes the length of service required for trial jurors. Grand jurors serve a term of 12 months. "One day/one trial" means that any person who is summoned and appears for service may be released from further service unless that person is assigned to a particular trial. When a juror is assigned to a trial, the length of service will be the duration of that trial. In Colorado, the average length of a trial is three days.

How long can I expect to be at the courthouse for jury duty?

If you are not selected for a jury, you will likely be released around noon. If you are selected for a jury, the judge will inform you once you reach the courtroom how long the trial is expected to last. You will be here for the duration of the trial, with a typical day lasting from 9 a.m. to 5 p.m.

How are jurors assigned to trials?

Before a trial begins, jurors may be required to complete questionnaires that provide information relevant to jury service. The attorneys in the case will review this information prior to jury selection. When the jurors arrive in the courtroom, the judge will provide some initial instructions and the attorneys will ask additional questions of each juror. Each side in the case may ask the court to excuse any juror for a specific cause. Each side is also allotted a certain number of "peremptory" or discretionary challenges for which a cause need not be given. However, the law does not permit these challenges to be made in a discriminatory manner.

Who will pay me for serving as a juror?

If you have a regular job, your employer must pay you for the first three days of jury service. If you are self-employed, you must compensate yourself for the first three days. Unemployed persons may apply for reimbursement of certain expenses during the first three days. After the third day, all jurors receive \$50 per day from the state. There are provisions for special hardships and certain expenses; please discuss these with the jury commissioner.

Can I lose my job if I serve as a juror?

State law protects a juror's job. Section 13-71-134, C.R.S., says, "An employer shall not threaten, coerce, or discharge an employee for reporting for juror service as summoned."

What if my employer doesn't want to pay me for the first three days of service?

Your employer has a duty under state law (§ 13-71-126, C.R.S.) to pay regular wages up to \$50 per day if you are regularly employed. Employers may pay more than \$50 by mutual agreement. If you are a part-time or temporary worker and have worked for the same employer for three months or more, then you are a regular employee. You may sue an employer who fails to pay you for jury service.

Cast of Characters in a Jury Trial

Judge: The judge is in charge of everything that happens in the courtroom. The judge resides over the case and makes legal rulings. He or she also instructs the jury on the law. The judge must always be fair and impartial to all parties in a case.

Court Clerk: The court clerk may be present in the courtroom to assist the judge. The court clerk's duties include preparing a record of the events in the case; preparing and issuing warrants, subpoenas, and citations; arranging all of the calendar settings; collecting and recording fines, bail, and other money received in court; and arranging for interpreters.

Bailiff: The bailiff is in the courtroom to keep the proceedings going smoothly, to announce the judge, and to attend to the jury's needs. When the jury must leave the courtroom for a break or recess or while the judge converses with the attorneys, the bailiff acts as the jury escort. While the jury is deliberating after a trial, the bailiff acts as the jury's link to the judge and arranges for meals, beverages, etc. for the jury.

Court Reporter: The court reporter is specially trained to record everything that is said during official court proceedings. He or she uses either a special "shorthand" machine or a computer. The court reporter is responsible for preparing an official written transcript of the proceedings.

Jury: The jury in a trial listens to the arguments of the two sides, examines the evidence, takes instruction from the judge in the trial, then deliberates in private to decide whether the prosecutor/plaintiff has proved his or her case against the defendant. If the jury decides in favor of the plaintiff in a civil case, the jury also determines the amount of any monetary award (damages) that should be awarded to the plaintiff. The verdict of the jury must be unanimous.

Plaintiff: In a civil case, the person who is the complaining party, or who initiated the case, is called the plaintiff. The plaintiff can be a person, a group of persons, an entity, or the government. (In a criminal case, the complaining party would be the People of the State of Colorado, who are represented by the prosecutor.) Plaintiffs in both civil and criminal cases may represent themselves, and thus appear without an attorney.

Prosecutor/Plaintiff's Attorney: The prosecutor represents the People of the State of Colorado in a criminal case. In a civil case, the plaintiff's attorney represents the complaining party. The prosecutor/plaintiff's attorney explains to the judge and jury (1) what happened between the complaining party and the defendant, (2) why it was not legal, and (3) what the complaining party would like to see done to fix it.

Defendant: The defendant is the person(s) or entity against whom an action has been brought (and who must respond to the complaint). Like a plaintiff, the defendant can be a person, a group of persons, or an entity. Under the U.S. Constitution and the Colorado Constitution, the defendant in a criminal case is guaranteed representation by an attorney. If the defendant cannot afford an attorney and qualifies under certain poverty guidelines, an attorney will be provided for him or her. Defendants in both civil and criminal cases may represent themselves, and thus appear without an attorney.

Defense Attorney: In a criminal case, the defense attorney represents the person who has been accused of a crime. In a civil case, this attorney represents the respondent in the case (also

called the defendant). The defense attorney tells the judge and jury what happened and wants them to find that what happened was not illegal or that the defendant did not do it.

Witness: Several types of witnesses may testify during a trial. People who witnessed a crime or an incident tell the court what they observed. Expert witnesses with special expertise in an area may be brought in by either side to explain something technical, such as medical treatment or ballistics. Character witnesses may testify about the plaintiff or defendant personally in certain types of cases. People who are serving as witnesses in a trial are generally not allowed in the courtroom other than during their own testimony.

Other Individuals You May See in the Courtroom: To ensure a fair trial or proceeding for all sides, the court must supply an **interpreter** for non-English speaking parties or witnesses. Members of the **press** may be in the courtroom to report on the proceedings. In a criminal trial, the **investigating officer** may sit at the prosecution's table and consult with the prosecutor during the trial. Various types of **advocates**, including victim's advocates and court-appointed special advocates, may be present during the proceedings. Finally, **observers** in the courtroom may include the parties' family and friends, as well as members of the community who are simply interested in the proceedings. Seating for observers in the courtroom is limited and is generally available on a first-come, first-served basis.

Glossary of Trial Terms

Civil Case: An action that is brought to enforce, redress, or protect an individual's or entity's private rights. The outcome is generally an amount of money awarded to the prevailing party.

Criminal Case: A case brought by the government (municipal, county, state, or federal) against an individual accused of committing an act that is considered harmful to the general public and is forbidden by law. Criminal acts are punishable by fine, imprisonment, or death.

Voir Dire: The questioning of prospective jurors by the attorneys in a case. Attorneys can, within limits, use this questioning to accept or excuse individual jurors until the full jury panel is chosen.

Opening Statement: The presentation by each side at the beginning of the trial, where the attorneys tell what the issues are and what they intend to prove during the trial.

Expert Witness: A witness with special expertise in an area who is brought in by one side in a trial to explain something technical, such as medical treatment or ballistics.

Motion: A proposal submitted by one of the parties in a trial for an action by the judge, such as a motion to dismiss the charges or a motion to suppress evidence.

Objection: An attorney's request during the trial that a specific question or testimony not be allowed. The objection is either sustained (approved) or overruled (disapproved) by the trial judge.

Recess: A break in the trial, such as for lunch or overnight.

Closing Argument: A speech by each side's attorney at the end of the trial, summarizing what they proved and how they want the jury to decide.

Deliberation: The time after the trial when the jury meets in private to decide the outcome of the case.

Verdict: The decision of the jury after a trial, such as whether a defendant was guilty or not guilty or whether damages will be awarded in a civil case.

Sentencing: The judge's decision after a criminal trial as to what a guilty defendant's penalty will be, such as jail time, probation, or community service.

Classroom discussion outline:

- I. About 95 percent of all jury trials in the world take place in the United States.
- II. The jury system is a very important part of the court process in Colorado.
- III. Jurors are selected at random from a computerized list taken from voter registration, driver's license, non-driver identification, and Colorado Department of Revenue records.
- IV. Since 1990, Colorado has used the day/one trial system.
 - a. In each calendar year, persons summoned for jury service must serve only one day or, if selected for a trial, for the length of that trial.
 - b. In addition, the Judicial Branch has been working to further reform the jury system. Changes are being made that are designed to ensure that jurors are made that are designed to ensure that jurors are treated with appropriate respect and courtesy, improve the quality of the jury decision-making process, and increase the overall efficiency of the system. Some of these significant reforms include:
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 - Expanding the composition of the jury pool by using additional sources of juror names;
 - Permitting juror questions, note-taking/trial notebooks, and pre-deliberation discussions in many cases; and
 - Communicating with the jurors in plain English.
- V. *What are the legal qualifications for jury service?*
 - a. In each calendar year, persons summoned for jury service must serve only one day or, if selected for a trial, for the length of that trial.
 - b. You must be 18 years of age or older.
 - c. You must live in the county or municipality that summoned you.
 - d. You must be a United States citizen.
 - e. You must read, speak, and understand English.
 - f. You must not have served for five or more days as a trial or grand juror in any court within the past 12 months.
 - g. You must not be solely responsible for the daily care of a permanently disabled person living in your home.
 - h. You must not have a physical or mental disability that would prevent your ability to serve as a juror.
- VI. *How was I chosen for jury service?*
- VII. *Why do I receive summonses year after year, when other people don't?*
- VIII. *What if I have other commitments for the date I'm supposed to appear?*
- IX. *What is the "one-day/one-trial" system?*
- X. *How long can I expect to be at the courthouse for jury duty?*
- XI. *How are jurors assigned to trials?*
- XII. *Who will pay me for serving as a juror?*
- XIII. *Can I lose my job if I serve as a juror?*
- XIV. *What if my employer doesn't want to pay me for the first three days of service?*
- XV. *How was I chosen for jury service?*
- XVI. *Why do I receive summonses year after year, when other people don't?*

Classroom activity:

What role does each of these people play during a jury trial?

Judge

Court Clerk

Bailiff

Court Reporter

Jury

Plaintiff

Prosecutor/Plaintiff's Attorney

Defendant

Defense Attorney

Witness

Other Individuals You May See in the Courtroom

Interpreter

Investigating officer

Advocates

Observers

Homework assignment: Define each of these trial terms

Civil Case:

Criminal Case:

Voir Dire:

Opening Statement:

Expert Witness:

Motion:

Objection:

Recess:

Closing Argument:

Deliberation:

Verdict:

Sentencing:

ANATOMY OF A COLORADO JURY TRIAL

VOIR DIRE

JURY SELECTED

OPENING STATEMENTS BY LAWYERS

PLAINTIFF'S OR PROSECUTOR'S CASE
Presents evidence and testimony
Defendant's lawyer cross-examines

DEFENDANT'S CASE
(If defendant chooses to present a case)
Presents evidence and testimony
Plaintiff's lawyer or prosecutor cross-examines

REBUTTAL BY PROSECUTOR OR PLAINTIFF

JUDGE'S INSTRUCTIONS TO THE JURY
ON THE LAW

CLOSING STATEMENTS BY LAWYERS

JURY DELIBERATIONS AND VERDICT

ENTRY OF JUDGMENT